

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Christopher Lee Morris,)	
)	C/A No. 9:05-3443-MBS
Plaintiff,)	
)	
vs.)	
)	O R D E R
George Malone, Sheriff of Colleton)	
County; Correctional Officer Grant;)	
Correctional Officer Garden and)	
Nurse Garcia,)	
)	
Defendants.)	
)	

Plaintiff Christopher Lee Morris contends that he was denied adequate medical care while he was housed at the Colleton County Detention Center in Walterboro, South Carolina. Plaintiff brings this action pursuant to 42 U.S.C. § 1983, asserting denial of his constitutional rights.

This matter is before the court on motion for summary judgment filed by Defendant Garcia on March 8, 2006. On March 9, 2006, an order was issued pursuant to Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975), advising Plaintiff of the summary judgment procedure and the possible consequences if he failed to respond adequately. Also before the court is motion for summary judgment filed by Defendants Malone, Grant, and Garden on April 10, 2006. A second Roseboro order was issued on April 12, 2006. Plaintiff filed no response to either motion. On May 18, 2006, an order was issued allowing Plaintiff an additional twenty days to respond to the motions. A review of the record indicates that Plaintiff has made no filings with the court since January 30, 2006.

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge George C. Kosko for pretrial handling. On June 7, 2006, the Magistrate Judge issued a Report of Magistrate Judge in which he recommended that the complaint

be dismissed pursuant to Fed. R. Civ. P. 41(b) for failure to prosecute. Plaintiff filed no response to the Report of Magistrate Judge.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a de novo determination of any portions of the Report of Magistrate Judge to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of objections to the Report, this court is not required to give any explanation for adopting the recommendation. Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

The court has carefully reviewed the record and concurs in the recommendation of the Magistrate Judge. Accordingly, the within action is dismissed with prejudice pursuant to Rule 41(b).

IT IS SO ORDERED.

/s/ Margaret B. Seymour
United States District Judge

Columbia, South Carolina

June 30, 2006

NOTICE OF RIGHT TO APPEAL

Plaintiff is hereby notified that he has the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.